

REMARKS/ARGUMENTS

Upon entry of this amendment, claim 19 will be canceled without prejudice or disclaimer of the subject matter recited therein, and claims 15 and 17 will be amended, whereby claims 1, 3, 5, 7, 9, 13-15, 17, 22, 24 and 26-28 will remain pending. Claims 1, 7, 13, 14, 15 and 17 are independent claims.

Applicants note that the amendments to claims 15 and 17 are supported by Applicants' originally filed application and therefore do not constitute new matter. For example, the Examiner's attention is directed to Applicants' originally filed specification at page 6, lines 8-14.

Reconsideration and allowance of the application are respectfully requested.

Allowed Claims

Applicants express appreciation for the allowance of claims 1, 3, 5, 7, 9, 13, 14, 22, 24 and 26-28.

Response To Art Based Rejection

In the Office Action, claims 15, 17 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by, or in the alternative, under 35 U.S.C. 103(a) as obvious over Pfeil et al., U.S. Patent No. 4,135,935.

This ground of rejection asserts that Pfeil et al. teach a sintered apatite composition including a glass composition comprising 20-60 wt% SiO₂, 2.7-20% Na₂O, and 5-40% CaO.

Although Pfeil et al include P_2O_5 , the rejection contends that claim 19 is included in the rejection because "substantially free" is not defined in the claims or the specification.

In response, Applicants submit that one having ordinary skill in the art would understand the scope and content of the claimed subject matter including the terminology "substantially free". However, in order to advance prosecution of the application, claims 15 and 17 have been amended herein to recite that the composition forming the bioactive glass is free from P_2O_5 . Accordingly, as Pfeil et al. do not teach or suggest Applicants' recited sintered calcium phosphate, the rejection is without appropriate basis, and the rejection should be withdrawn.

Accordingly, this ground of rejection should be withdrawn.

CONCLUSION

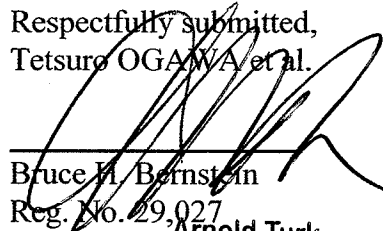
In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejections of record, and allow each of the pending claims.

Applicants therefore respectfully request that an early indication of allowance of the application be indicated by the mailing of the Notices of Allowance and Allowability.

Should the Examiner have any questions regarding this application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

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